IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 2115 OF 2005
IN
CRIMINAL APPEAL NO.343 OF 2005

Shri Brijeshkumar Gulzarilal
Sahu ...Applicant.

V/s

The State of Maharashtra ...Respondent.

Mrs. T. Katdare with Mr. S.R. Gupta for the applicant.
Mr. A.S. Shitole, APP for the State.

CORAM: V.M.KANADE,J.
DATE : 7TH APRIL, 2005

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. Applicant is convicted for an offence punishable under sections 304-B and 498-A of the Indian Penal Code and sentenced to suffer R.I. for seven years and two years respectively. Applicant was on bail during trial.

3. The learned Counsel appearing on behalf of the applicant submits that there is no evidence to indicate that an offence under section 304-B is made out against the accused. It is submitted that the applicant got married with the deceased some time in 1994 and, according to prosecution, a demand of Rs 30,000/- was made in 1997 by the accused. The learned

Counsel for the applicant has taken me through the evidence of P.W.1 and P.W. 2 and submitted that there is no evidence to indicate that the wife was subjected to harassment and cruelty soon before her death.

4. The learned APP appearing for the State has submitted that the brother of the deceased has, in his evidence, stated that the demand of Rs 30,000/- was made by the applicant and, thereafter, his sister has committed suicide.

5. From the evidence on record, it can be seen that prima facie case for grant of bail is made out by the applicant. Applicant and deceased were married in 1994. Prima facie, there is no evidence to indicate that there was a demand of dowry except the statement of the brother of the deceased. Applicant was running a Pan Shop and, therefore, had no occasion to demand further amount of Rs 30,000/-.

6. Under the circumstances, applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. Applicant to give fresh bonds. Applicant shall, however, report to Agripada Police Station once in a month.

V.M. KANADE, J.